

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

v.

SEVERO GARCIA-MEZA,

Defendant.

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Case No. 1:02-CR-56

Hon. Richard Alan Enslen

**ORDER**

Defendant Severo Garcia-Meza has filed a *pro se* motion seeking an extension of the one-year limitation period applicable to motions filed under 28 U.S.C. § 2255 and a copy of his sentencing transcript, which was previously provided to defense counsel. The extension request is predicated upon a legal mistake. Defendant asserts that his one-year limitation period expires on April 5, 2006 (which is one year from the issuance of the Sixth Circuit Court of Appeals' judgment affirming his convictions). The mistake is that Defendant did not credit himself with the 90-day period following the issuance of the Court of Appeals' judgment for filing a petition for *certiorari* with the United States Supreme Court. The Supreme Court has held that the limitation period is tolled until the expiration of the 90-day period because until then the convictions are not final for the purposes of § 2255. *Clay v. United States*, 537 U.S. 522, 525 & 532 (2003). Therefore, the extension request will be denied without prejudice as presently unnecessary.

As for the transcript request, it will be denied without prejudice because it is presently unclear whether such transcript has already or will soon be provided to Defendant by defense counsel and because Defendant has not completed the necessary transcript order form.

**THEREFORE, IT IS HEREBY ORDERED** that Defendant Severo Gracia-Meza's *pro se* motion (Dkt. No. 203) is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that the Clerk shall send to Defendant at the address given by him (Severo Garcia-Meza #10814-040, U.S.P., Lee County, P.O. Box 305, Jonesville, VA 24263-0305) a transcript order form (CJA 24 form) to order a transcript, should it be necessary.

DATED in Kalamazoo, MI:  
March 23, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE